

## IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	
	)	No. 62154-8-I
Respondent,	)	
	)	DIVISION ONE
v.	)	
	)	
GERALD COWLES, JR.,	)	UNPUBLISHED OPINION
	)	
Appellant.	)	FILED: June 15, 2009

PER CURIAM. Gerald Cowles pleaded guilty to first degree rape of a child and first degree child molestation, each occurring between July 2, 2005 and January 20, 2006. Cowles was 16 or 17 when he committed the crimes. He was sentenced to concurrent indeterminate terms with standard range minimum sentences of 120 months and 67 months respectively with maximum sentences of life. The court suspended the terms and imposed a Special Sex Offender Sentencing Alternative (SSOSA). RCW 9.94A.670. Several months later, Cowles admitted violating two conditions of his SSOSA. The trial court revoked the suspended sentence and ordered Cowles to serve his concurrent indeterminate terms.

Cowles argues on appeal, and the State concedes, that because he was seventeen or younger at the time of the offense, he should not have been sentenced to indeterminate terms under RCW 9.94A.712, and that this matter should be remanded for the imposition of a determinate, standard range sentence. We accept the concession of error.

Cowles also challenges the community custody conditions prohibiting him from possessing or perusing “[pornography]....to be defined by the therapist and/or

Community Corrections Officer” as well as the condition that he not purchase or possess alcohol. In view of the remand for re-sentencing it is not necessary to reach these issues, although we note that State v. Bahl, 164 Wn.2d 739, 743, 193 P.3d 678 (2008) rejected as unconstitutionally vague a condition that the defendant not possess or access pornographic materials, as directed by the supervising Community Corrections Officer.

Therefore, the sentence is vacated, and this matter is remanded for resentencing.

For the court:

Ajda, J.

Cox, J.

Leach, J.